

**Amendments to the Drawings:**

The drawing sheet attached in connection with the above-identified application containing Figures 3-6 is being presented as a new formal drawing sheet.

## **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

New claims 15-17 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-17 are now pending in this application.

### **Objections to the Drawings**

The drawings are objected to for not showing every feature in the claims. In particular, the drawings are objected to for not showing all of the features of claims 5-7. Figures 3-6 are hereby presented to show the features of claims 5-7. Applicant respectfully submits that no new matter has been presented because Figures 3-6 show features described in the description of the application as it was originally filed. Withdrawal of these objections is respectfully requested.

### **Rejections under 35 U.S.C. § 112**

Claims 4, 6, and 14 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The claims have been amended to overcome these rejections. These amendments do not narrow the scope of these claims. Withdrawal of these rejections is respectfully requested.

### **Rejection under 35 U.S.C. § 101**

Claim 14 is rejected under 35 U.S.C. § 101 for allegedly stating an improper definition of a process. Claim 14 has been amended to overcome this rejection. This amendment does not narrow the scope of claim 14. Withdrawal of this rejection is respectfully requested.

**Rejection under 35 U.S.C. § 102**

Claims 1-6 and 8-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pub. No. 2002/0162651 (hereafter “Nakagome *et al.*”). This rejection is respectfully traversed.

Nakagome *et al.* does not disclose all of the features of claim 1 because Nakagome *et al.* does not disclose a heat exchanger comprising a first tube plate and tubes that “are formed integrally with a one-piece construction,” as recited in claim 1. Claims 2-6 and 8-14 depend from claim 1.

Nakagome *et al.* discloses an EGR cooler that includes tubes 3 joined to a plate 2 via brazing or a weld 12. See Nakagome *et al.* at paragraphs 0006, 0007, 0033, 0034. However, Nakagome *et al.* does not disclose that the tubes 3 and plate 2 can be formed integrally with a one-piece construction, as recited in amended claim 1. Therefore, Nakagome *et al.* does not anticipate claim 1 because Nakagome *et al.* does not disclose all of the features recited in claim 1. Withdrawal of this rejection is respectfully requested.

**Rejection under 35 U.S.C. § 103**

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagome *et al.* This rejection is respectfully traversed. A basic requirement of a *prima facie* case of obviousness is that a prior art reference, or prior art references when combined, must teach or suggest all of the claim limitations. See M.P.E.P. §§ 2143, 2143.03. It would not have been obvious to modify the EGR cooler of Nakagome *et al.* to provide the heat exchanger of claim 1 because Nakagome *et al.* does not disclose or suggest all of the features recited in claim 1. Withdrawal of this rejection is respectfully requested.

**New Claims**

New claims 15-17 have been added. Claims 15-17 depend from claim 1 and are allowable over the prior art for at least the reasons discussed above and for their respective additional recitations.

**Conclusion**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 1/4/08

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